

Notice of Allowability

Application No.

10/705,640

Examiner

Alexander Grosz

Applicant(s)

VISSER ET AL.

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/19/05
2. ☒ The allowed claim(s) is/are 1-4, 6, 9, 5, 7, 8, 13, 12-18, 20, 19, 21, 22, 24-27 RE NUMBERED AS 1-25
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) ✓
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2/05/04 ✓
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 4/26/05, 4/29/05, 8/16/05 ✓
7. ☒ Examiner's Amendment/Comment ✓
8. ☒ Examiner's Statement of Reasons for Allowance ✓
9. ☐ Other _____

EA

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gibby on 4/26/05; 4/28/05.

In paragraph [0001], line 2, change "Application No." to:

-Patent No. 6,643,876-.

In paragraph [0033], change the first occurrence of "36" to -26-.

Replace claim 1 of the application with the following claim 1:

1. A no-flip mattress comprising:

a mattress core;

a first padding layer positioned on top of the core, wherein the first padding layer has a density in the range from about 0.5 pounds per cubic foot to about 3 pounds per cubic foot and a firmness in the range from about 8 IFD to about 45 IFD;

a second padding layer adjacent to the first padding layer, wherein the second padding layer has a density in the range from about 0.5 pounds to about 1.9 pounds, and an IFD in the range from about 5 to about 23; and

a bottom support layer beneath the core, wherein the bottom support layer comprises a relatively dense and firm material;

wherein the first padding layer has a contoured surface that is positioned against the second padding layer.

Replace claim 15 with the following claim 15.

15. A method for constructing a no-flip mattress, the method comprising:
providing a mattress core;

placing a first padding layer on top of the core, the first padding layer having a contoured surface, wherein the first padding layer has a density in the range from about 0.5 pounds per cubic foot to about 3 pounds per cubic foot and a firmness in the range from about 8 IFD to about 45 IFD;

placing a second padding layer adjacent to the contoured surface of the first padding layer; wherein the second padding layer has a density in the range from about 0.5 pounds to about 1.9 pounds, and an IFD in the range from about 5 to about 23; and placing a relatively firm and dense bottom support layer beneath the mattress core.

In claim 24, line 1, change "23" to -15-.

Cancel claims 11 and 23.

Please replace the abstract with the following new abstract.

A no-flip mattress is constructed of a mattress core, a first padding layer positioned on top of the core, wherein the first padding layer has a density in the range from about 0.5 pounds per cubic foot to about 3 pounds per cubic foot and a firmness in the range from about 8 IFD to about 45 IFD. A second padding layer is adjacent to the first padding layer, wherein the second padding layer has a density in the range from about 0.5 pounds to about 1.9 pounds, and an IFD in the range from about 5 to about 23.

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A bottom support layer is beneath the core, and comprises a relatively dense and firm material.

The following is an examiner's statement of reasons for allowance: On 4/20/05, in a personal interview, and on 4/26/05, in a telephonic interview, Mr. Gibby and I discussed the application, the claims, and the prior art of record, especially Barman (6,023,803) as well as co-pending application No. 10/704,879, allowed on 1/21/05.

The pending application contains claims to a "no-flip" mattress (and method) adapted to be used, without turning, as set forth in paragraph [0003], and in addition to the dense and firm bottom layer (108), sets forth the limitations to layers 110 and 112 found in the claims of the allowed co-pending application 10/704,879.

The prior art of record, including Barman, fails to teach or suggest the no-flip mattress and method of the above set forth claims, for reasons argued by Mr. Gibby in the amendment filed on 11/15/04, of the co-pending application.

On 4/26/05, Mr. Gibby informally faxed in a proposed amendment (attached as part of an interview summary) that recites the changes set forth above.

On 4/28/05, Mr. Gibby approved the insertion of "no-flip" in claim 15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

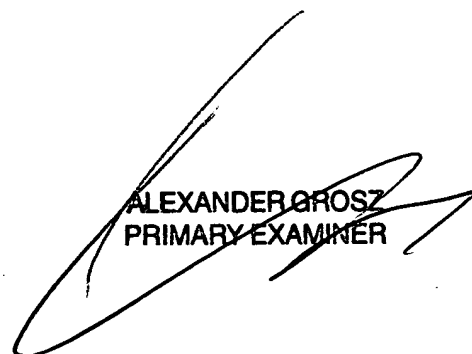
Any inquiry concerning this communication should be directed to Alex Grosz at telephone number 571-272-7041.

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Grosz/vs
April 29, 2005


ALEXANDER GROSZ
PRIMARY EXAMINER